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U.S. DISTRICT COURT  
N.D. OF N.Y.  
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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

PATRICK BRERETON,

Plaintiff,

-against-

UNUMPROVIDENT CORPORATION  
18 Chestnut Street  
Worchester, Mass. 01608-1258

LAWRENCE K. BAERMAN, CLERK  
ALBANY

ANSWER

Civil Action No.: 02-CV-1402  
(DNH/RFT)

NATIONAL LIFE INSURANCE COMPANY  
National Life Drive  
Montpelier, VT 05602,  
Defendants.

Defendants UnumProvident Corporation and National Life Insurance Company, as and for an answer to plaintiff's complaint dated October 1, 2002, upon information and belief:

1. Deny knowledge or information sufficient to form a belief as to the truth or falsity of each and every allegation contained in paragraphs 1, 4, 5, 6, 7, 8, 9, 16, 18, 19, 20, 21, 22, 23, 27, 31, 32, and 37 of plaintiff's complaint, and further state that defendants intend to rely upon the actual and complete contents of the policies, correspondence and other documents referenced in the aforementioned numbered paragraphs, and incorporate by reference said documents into these responses.

2. Admit only that UnumProvident is a Delaware corporation but deny each and every other allegation in paragraph 2 of the complaint.

3. Deny each and every allegation contained in paragraphs 3, 10, 11, 12, 13, 14, 15, 17, 24, 25, 26, 28, 29, 30, 33, 34, 35, 36, 39, 40, 42, 43, 44, 45, 46, 47, 48, 49, 50, 52, 53, 54, 55, 56, 57, 58, 60, 61, 62, and 63 of plaintiff's complaint and further state that defendants will rely on the actual and complete policies, correspondence and documents referenced in the aforementioned numbered paragraphs, and incorporate by reference said documents into these responses.

4. Repeat and reallege as if fully set forth at length herein defendants' responses to the allegations set forth in the numbered paragraphs referenced in paragraphs 38, 41, 51, and 59 of plaintiff's complaint.

AS AND FOR A FIRST DEFENSE

5. Plaintiff's second and third causes of action fail to state claims upon which relief can be granted.

AS AND FOR A SECOND DEFENSE

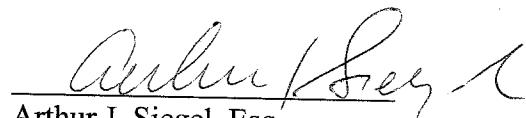
6. Plaintiff has failed to meet and/or perform the conditions precedent to obtaining coverage under any alleged policy of insurance.

AS AND FOR A THIRD DEFENSE

7. Any benefits to which plaintiff may be entitled should be reduced by benefits and payments obtained by plaintiff from third parties.

WHEREFORE, defendants UnumProvident Corporation and National Life Insurance Company demand judgment dismissing plaintiff's complaint in its entirety with costs, attorney's fees, and such other and further relief as to the court may seem just and proper.

Dated: November 8, 2002



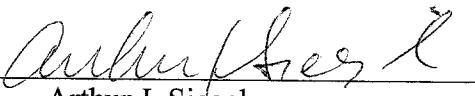
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TO: Thomas D. Buchanan, Esq.  
Cusick, Hacker & Murphy, LLP  
Attorneys for Plaintiff  
7 Airport Park Blvd.  
P.O. Box 104  
Latham, New York 12110-0104

**CERTIFICATE OF SERVICE**

I certify that on the 8th day of November, 2002, a copy of the foregoing Answer was served upon the following counsel by regular mail:

Thomas D. Buchanan, Esq.  
Cusick Hacker & Murphy, LLP  
7 Airport Park Blvd.  
Latham, NY 12110-0104

  
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Arthur J. Siegel